

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

RONALD E. HARRIS, II,

Plaintiff,

-v-

SHERIFF GENE KELLY, et al.,

Defendants.

Case No. C-3:11-cv-155

**Judge Thomas M. Rose
Magistrate Judge Sharon L. Ovington**

**ENTRY AND ORDER OVERRULING HARRIS'S OBJECTIONS (Doc. #9)
TO THE MAGISTRATE JUDGE'S REPORT AND
RECOMMENDATIONS; ADOPTING THE MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATIONS (Doc. #6) IN ITS ENTIRETY;
DISMISSING HARRIS'S COMPLAINT; DENYING HARRIS'S MOTION
TO APPOINT COUNSEL, DENYING HARRIS LEAVE TO APPEAL *IN
FORMA PAUPERIS* AND TERMINATING THIS CASE**

This matter comes before the Court pursuant to pro se Plaintiff Ronald E. Harris, II's ("Harris's") Objections (doc. #9) to Magistrate Judge Sharon L. Ovington's Report and Recommendations (doc. #6) regarding Harris's Complaint. Harris's Complaint has not been served. Thus, his Objections are ripe for decision.

As required by 28 U.S.C. §636(b) and Federal Rules of Civil Procedure Rule 72(b), the District Judge has made a de novo review of the record in this case. Upon said review, the Court finds that Harris's Objections to the Magistrate Judge's Report and Recommendations are not well-taken, and they are hereby OVERRULED. The Magistrate Judge's Report and Recommendations is adopted in its entirety.

Upon sua sponte review before serving, Harris's Complaint is dismissed pursuant to 28 U.S.C. § 1915(e)(2). Harris's Complaint is construed as being brought pursuant to 42 U.S.C. §

1983 and is, thus, barred by the statute of limitations. Further, Harris's Complaint and the attached documents, when construed heavily in his favor, fails to state a plausible, non-speculative claim upon which relief could be granted.

Harris's Complaint is, therefore, dismissed. Further, his Motion To Appoint Counsel is denied as moot. Also, leave for Harris to appeal this decision *in forma pauperis* is denied. Finally, this case is hereby ordered terminated on the docket records of the United States District Court for the Southern District of Ohio. Western Division at Dayton.

DONE and **ORDERED** in Dayton, Ohio, this Sixteenth Day of August, 2011.

s/Thomas M. Rose

THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record
Ronald E. Harris, II at his last address of record